

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

July 20, 2009  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Ron Christianson, Bruce DeBleck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 8, Absent 1 – Council Member Doug Reese was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

The Council requested the Housing and Redevelopment Authority Board and Municipal Utilities Commission Minutes were removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 6; Rice Hospital Board Minutes of July 8, Planning Commission Minutes of July 8, Housing and Redevelopment Authority Minutes of June 30, and Charter Commission Minutes of June 24, 2009; and Exempt Permit Applications – Willmar Curling Club and Church of St. Mary's. Council Member Ander seconded the motion, which carried.

The Council discussed the Housing and Redevelopment Authority Minutes noting the grant money for the purchase of residential property/land and requested additional information on the accounts receivable write-offs. The Housing and Redevelopment Authority Board Minutes of June 9, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

Following discussion of the purchase of 30 megawatts of power from the Big Stone II plant and a wind turbine update, the Municipal Utilities Commission Minutes of July 13, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBleck, seconded by Council Member Dokken, and carried.

Mayor Heitke acknowledged Stephen Deleski and Terry Brau who had signed up to address the City Council during its scheduled Open Forum. Mr. Deleski spoke to the Council concerning household garbage in Downtown dumpsters. Mr. Brau expressed enthusiasm for the marching band that represents Willmar and was hoping the Council would assist in the upcoming fundraiser with the rental costs of the showmobile.

Executive Director Idalia Leuze presented to the Mayor and Council the West Central Integration Collaborative annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

The Finance Committee Report for July 13, 2009, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff presented to the Committee a proposal to establish a Firemen's Relief funding formula in an effort to bring stability and consistency to current fluctuations between the market-driven fund payouts and City Council approved benefit levels. The 2009 City Council ratified annual benefit level is \$2,400 per year of service. Beginning with 2010, it is being proposed to increase that amount between \$200 and \$400 per year to reach the goal of an annual benefit level of \$4,000 by 2015.

For the past five years, the City has contributed \$10,000 annually toward the Fire Relief Association. The new proposal stipulates that the City contribute up to \$25,000 per year only if fund earnings are not adequate to cover full benefit levels. If fund earnings plus the City's maximum annual contribution is not enough to fund the additional benefit level increase, the Willmar Firefighters Relief Association will forego any increase for that year.

The Committee was recommending the Council introduce a motion approving the proposed schedule of benefit levels for the Willmar Firemen's Relief Association with the specified conditions. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee was informed by Staff that there will be a Music Matters Hangar Dance Benefit for the Willmar High School Music Department at the Willmar Municipal Airport on July 25, 2009. Greg Anderson, lead volunteer for this event, was present to request the use of the City's showmobile free of charge. He stated that if this expense could be eliminated, there would be that much more to be donated to the music department. He further commented that the high school band promotes the City of Willmar when it travels to other communities. Citing LGA cuts and other related budget concerns, Staff and Committee members raised concern of the precedent that would be set should these fees be waived.

The Committee was recommending the Council deny the request to waive the showmobile fees. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried on a roll call vote of Ayes 4, Noes 3 – Council Members Christianson, Johnson and DeBlieck voted “No.”

Council Member Fagerlie offered a motion asking the Mayor and Council to each donate \$70.00 towards the showmobile rental fee for the Music Matters Hangar Benefit. Council Member Ahmann seconded the motion, which carried.

Item No. 3 The Committee was informed by Staff that the City has received a donation in the amount of \$1,000 from the Willmar Area Senior Citizens Club with a request that it be used to help fund special events at the Willmar Community Center. The Committee was recommending the Council accept the \$1,000 donation from the Willmar Area Senior Citizens Club and to send a letter of appreciation to the Club.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 1

WHEREAS, the City of Willmar has received a donation from the Willmar Area Senior Citizens Club in the amount of \$1,000.00 to help fund special events at the Willmar Community Center;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation valued at \$1,000.00 and that the City Administrator be directed to express the community's appreciation.

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that the preliminary process for the 2010 budget is currently underway. Department Directors have provided budget recommendations to the City Administrator and the Mayor will be preparing the budget for Council review by September, 2009. The Committee was reminded that Willmar's share of the State's 2009 LGA unallotment is \$270,000. Staff suggested that all three phases of the preliminary budget reduction schedule outlined earlier this year totaling \$965,477 be considered in 2009 to offset possible future LGA reductions and result in a larger fund balance for use in 2011. Included in this schedule was the purchase of a second street sweeper estimated at \$170,000 which may need to be considered as a required purchase since it is part of a five-year Storm Water Improvement Plan formally approved by the Minnesota Pollution Control Agency. Staff was asked to keep the council informed on 2009 reductions.

Mayor Heitke commented on Willmar's Tax Capacity Rate being the lowest of the 24 regional cities throughout the state as well as the lowest of all communities participating in the Coalition of Greater Minnesota Cities and that the City was well positioned to deal with cuts in LGA. This discussion may warrant some consideration for levying back some of the unallotted LGA proceeds. This matter was for information only.

Item No. 5 The Committee reviewed the following reports: May Rice Financial, the June Convention & Visitors Bureau, and June WRAC-8. This matter was for information only.

The Finance Committee Report for July 13, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for July 14, 2009, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 The Committee discussed Double D noise complaints as referred from the City Council. Representatives from Double D, Heather Dokken, Manager; and Tabitha Chilton, employee; were present for this portion of the meeting to answer questions relating to the ongoing problem with noise at the Double D Club. Two area residents, Tom Shriener and Jessica Buer were also in attendance to voice their concerns. The Police Department has received 52 calls on 40 separate evenings from 6 different addresses. Chief Kulset stated he has had conversations with the owner, Duane Duenow, on several occasions where they discussed options of moving the speakers, making sure the back door was closed and/or adding insulation to the building.

Jessica Buer stated she doesn't recall hearing loud noise when the building was operated as Vannandy's. Police Chief Kulset informed the Committee that between January, 2005 until 2007, which was the time period Vannandy's, was in operation, his department received a total of six calls relating to noise issues. After a lengthy discussion, it was the consensus of the Committee to direct Staff to meet with the owner, Duane Deunow, and communicate to him that the situation needs to improve or other options will be used. This matter was for information only.

Item No. 2 The Committee considered the final application for payment for the Airport 12-Unit T-Hangar constructed by Breitbach Construction, which includes the 5 percent retainage for a total of \$26,658.52. The Committee was recommending the Council accept the T-Hangar as constructed and issue final payment to Breitbach Construction as presented.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved upon a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: 12-Unit Tee Hangar  
CONTRACTOR: Breitbach Construction Co.  
DATE OF CONTRACT: September 17, 2007  
APPROVE, CITY ENGINEER: July 14, 2009

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said construction of the 12-Unit T-Hangar be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$530,561.99
Change Order Nos. 1 & 2	(\$8,931.66)

FINAL NET CONTRACT AMOUNT, PROPOSED:	\$521,630.33
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ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: \$514,627.15	
Less Previous Payments	\$487,968.63

FINAL PAYMENT DUE CONTRACTOR:	\$26,658.52
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Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that quotes for the 2009 Seal Coat Project, part of the 2009 Street Improvement Projects, were opened June 30, 2009. The project includes seal coating Fairway Drive NE from 26<sup>th</sup> Avenue NE to the dead end to the north, Eagles Ridge Drive East, and the parking lot of the fire station with an August 31, 2009 completion date. Two quotes were received with the low quote being that of Asphalt Surface Technologies Corporation of St. Cloud, MN for \$22,695.00. Staff recommended the committee accept their quote and proceed with the project.

The Committee was recommending the Council accept the quote of Asphalt Surface Technologies Corporation and authorize the Mayor and City Administrator to enter into an agreement. Resolution 3 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Asphalt Surface Technologies Corporation of St. Cloud, Minnesota for Project No. 0908 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the contractor for the terms and consideration of the contract in the amount of \$22,695.00.

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee considered a final payment in the amount of \$4,839.60 to Duinick, Inc. for Project 0810 – Path Improvements. The paths constructed under this project are along County Road No. 5 of the old airport property and Lakeland Drive SE near the YMCA with final payment consisting of the 5 percent retainage held pending turf establishment. The Committee was recommending the Council accept the project and approve final payment to Duinick, Inc. as presented.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0810 – Path Improvements  
CONTRACTOR: Duinick, Inc.  
DATE OF CONTRACT: September 8, 2008  
BEGIN WORK: October 16, 2008  
COMPLETE WORK: May 1, 2009  
APPROVE, CITY ENGINEER: July 14, 2009

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0810 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$97,814.48
Change Order None	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$97,814.48
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$96,792.08
Less Previous Payments	\$91,952.48
FINAL PAYMENT DUE CONTRACTOR:	\$4,839.60

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Rhonda Rae of Donohue and Associates briefed the Committee on June activities related to the relocation of the Wastewater Treatment Plant. Program management activities included

additional meetings with Staff to discuss funding and finance issues; submittal of pay request 15 to the Public Facilities Authority for the Clean Water Revolving Fund Loan and Wastewater Improvement Fund, and the full amount of the TMDL Grant was received with pay request 3. Donohue continues to work with the MPCA to secure additional TMDL grants and also other agencies for opportunities from the American Recovery and Reinvestment Act of 2009. Discussions continued with City staff on the municipal code and the Industrial Discharge Permit with Jennie-O.

Construction management of all conveyance projects continued with good progress on each one. A significant amount of pipe has been installed under each of the three conveyance projects. The contractor for 0812-C, building construction, continued concrete forming and pouring for 17 of the 21 structures. This matter is for information only.

Item No. 6 The Committee was informed that during installation of the new 48-inch interceptor line adjacent to 28<sup>th</sup> Avenue SW at 8<sup>th</sup> Street, the contractor uncovered a 36-inch storm sewer outfall pipe that drained to a nearby ditch. The outfall pipe was not shown on the plans and a bid item was not in place for removal and replacement. In order to continue with installation of the interceptor pipe, a price was negotiated and identified as Change Order No. 3. Donohue is recommending the City accept this change order which increases the contract price with S.R. Weidema by \$5,695.00.

The Committee was recommending the Council accept Change Order No. 3 to Project No. 0813-D3 as presented. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 5

WHEREAS, the City of Willmar entered into Contract No. 0813-D3 with S.R. Weidema, Inc. for the construction of Southern Interceptor (From BNSF RR to 5<sup>th</sup> St. SE & at Existing WWTF); and

WHEREAS, Change Order No. 1 increasing the contract amount by \$15,882.08 has been previously authorized; and

WHEREAS, Change Order No. 2 decreasing the contract amount by \$50,000 has been previously authorized; and

WHEREAS, it is recommended to approve the costs associated with the removal and replacement of the 36-inch Storm Sewer on 28<sup>th</sup> Avenue SW at 8<sup>th</sup> Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 3 be approved; as a result, the contract amount will be increased in the amount of \$5,695.00 for Project 0813-D3 Southern Interceptor (From BNSF RR to 5<sup>th</sup> St. SE & at Existing WWTF);

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Ms. Rhonda Rae presented the circumstances leading to the development of Change Order No. 4 to the 0813-D3 Interceptor Project. The first being that of unforeseen soil conditions, and secondly, the recent designation by the Minnesota Department of Transportation of a segment of 28<sup>th</sup> Avenue SW as a Municipal State Aid route. Based on this information, Staff and Donohue requested the contractor

provide a cost estimate to modify the restoration of 28<sup>th</sup> Avenue SW from 1<sup>st</sup> to 6<sup>th</sup> Street to meet standards of a 9-ton road.

The Committee was recommending the Council accept Change Order No. 4 to Project No. 0813-D3 in the amount of \$290,750.50 to be funded from within the PFA loan 5% contingency. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Johnson abstained from voting.

#### RESOLUTION NO. 6

WHEREAS, the City of Willmar entered into Contract No. 0813-D3 with S.R. Weidema, Inc. for the construction of Southern Interceptor (from BNSF RR to 5<sup>th</sup> St. SE & at existing WWTF); and

WHEREAS, unforeseen soil conditions were encountered on 28<sup>th</sup> Avenue SW which require pavement reconstruction; and

WHEREAS, the Commissioner of Transportation designated 28<sup>th</sup> Avenue SW as a Municipal State Aid route in June 2009; and

WHEREAS, the pavement reconstruction will result in a Change Order;

WHEREAS, it is recommended to approve the change unit cost of each Bid Items 54, 56, 75 and 78 shall change from \$1,448.00 to \$2,640.00; \$25.00 to 3.40; \$21.30 to \$21.30; and \$15.00 to \$17.45 respectively and additional items 75A, 76A and B shall be added to a unit cost of \$51.68; \$70.65; and \$60.50 respectively.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 4 be approved; as a result, the contract amount will be increased in the amount of \$290,750.50 for a revised Contract price of \$6,563,169.98 for Project 0813-D3 Southern Interceptor (from BNSF RR to 5<sup>th</sup> St. SE & at existing WWTF).

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 Donohue received a request from the contractor of the 0815-D5 project, Voss Plumbing and Heating, to install two 12-inch gate valves and boxes at the connection point of Jennie-O Plant #2 for the cost of materials only. The reason for no labor cost is so the project can be completed before the treatment plant is completed. Two advantages to the City is this would allow emergency diversion of wastewater from the Willmar Avenue Plant in case of a catastrophic failure of the new pump station, and these valves would allow control of the flow to the pump station during seeding and startup of the new plant. Donohue recommended the change order at a cost of \$4,200.00 for materials only.

The Committee was recommending the Council approve Change Order No. 2 to Project No. 0815-D5 as presented. Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

WHEREAS, the City of Willmar entered into Contract No. 0815-D5 with Voss Plumbing, Heating and Air Conditioning for the construction of Forcemain and Gravity Sewer (from CD46 to Benson Avenue);

WHEREAS, Change Order No. 1, a no cost change to substitute directional drilling for open cut installation of forcemain, has been previously approved; and

WHEREAS, it is recommended to approve the supply and installation of two additional 12-inch epoxy coated gate valves downstream of the Pretreatment System of the Jennie-O Willmar Avenue Plant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 2 be approved; as a result, the contract amount will be increased in the amount of \$4,200 for Project 0815-D5 Forcemain and Gravity Sewer (from CD46 to Benson Avenue).

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 8 Rhonda Rae of Donohue and Associates presented 11 miscellaneous items for consideration. The total of the cost reductions and additions associated with the changes is \$60,801.00 and is the third such modification for this project. The total amount of unanticipated allowances comes to \$153,768.67 with a remaining balance of \$346,231.33. Each item questioned by the committee was explained by Donohue staff.

The Committee was recommending the Council approve Allowance Modification No. 3 to Project No. 0812-C as presented. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively have been previously authorized; and

WHEREAS, the above contract has a contingency allowance of \$500,000 in Part 1 – GENERAL 1.02 Specific Allowances;

WHEREAS, Unanticipated Allowance No. 1, Unsuitable Soils, increased the amount by \$17,191.77 out of a \$500,000 allowance and has been previously authorized; and

WHEREAS, Unanticipated Allowance No. 2, Addition of Polyurea Coating on Interior of 54" Interceptor Piping to Headworks, increased the amount by \$75,775.90 out of a \$500,000 allowance and has been previously authorized; and

WHEREAS, it is recommended to approve Unanticipated Allowance No. 3 which contains the



following: Item 1: Upsize Manholes 9, 14 and 17; Item 2: Decrease size of 2 – Ferric Chloride Tanks from 12' diameter – 8,100 gallon tanks to 2 – 10' diameter – 6,600 gallon tanks; Item 3: Decrease sizes of discharge piping at RWW pumps and decrease sizes of flowmeters; Item 4: Change exit lighting at the Headworks Building to be explosion proof – Class 1 Division 1; Item 5: Reduction of 3 Screw Pump motor starters from 150hp to 125 hp; Item 6: Provide optional DA2 software to flowmeters in Headworks Building; Item 7: Change embeds in Final Building 265 and JOTS Selector Building 232 to stainless steel; Item 8: Add 3 groundwater monitoring stations at Clarifiers; Item 9: Add lockable disconnects at valves and actuators; Item 10: Add wiring and controls for Aerator oil immersion heaters; Item 11: Add power conduits for Flow Indicating Transmitters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that:

1. Additional work is hereby authorized as Owner Unanticipated Cost Allowance No. 3 for \$60,801.00.
2. Funding for additional work is covered within Contract No. 0812-C Part 1-GENERAL 1.02 Specific Allowances reducing the owner Unanticipated Cost Allowance from \$407,032.33 to \$346,231.33
3. As specified in the above contract prior to final payment, an appropriate Change Order will be issued and the Contract Price shall be adjusted.

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 9 Donohue presented a contract to design three significant components of a comprehensive plan to facilitate and route wastewater flow directly toward the City's new Wastewater Treatment Facility. The three components consist of a collector sewer to serve the area west of Foot Lake and other portions of the existing and future areas in the western portion, the design of a gravity sewer to eliminate the Ortenblad lift station and connecting the sewer of the Arby's lift station to the newly constructed southern interceptor.

The Committee discussed the funding phases and was recommending the Council approve the contract with Donohue and Associates for design engineering and bidding services for the Western Collector Sewer Project, and authorize the City Administrator to sign on behalf of the City.

#### RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an Engineering Services Agreement with Donohue and Associates, Inc. for the Western Collector Sewer, Ortenblad Lift Station Connection and Arbys Lift Station Connection Project in the amount of \$260,630.00.

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for July 14, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded

by Council Member Fagerlie, and carried.

Public Works Director Odens informed the Mayor and Council that bids were opened on July 20, 2009, for Project No. 0903 – Street Improvements on Willmar Avenue from 18<sup>th</sup> Street SW to Old TH 40 for the City. Following a review of the bids, Resolution No. 10 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Duinick Inc. of Prinsburg, Minnesota for Project No. 0903 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$556,908.70.

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member DeBleck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

AUTHORIZATION TO EXECUTE CITY OF WILLMAR AND  
KANDIYOHI COUNTY COOPERATIVE CONSTRUCTION AGREEMENT

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for construction of Willmar Avenue from 18<sup>th</sup> Street SW to 22<sup>nd</sup> Street SW.

Dated this 20<sup>th</sup> day of July, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Labor Relations Committee Report for July 15, 2009, was presented to the Mayor and Council by Council Member Ahmann. There were three items for Council consideration.

Item No. 1 City Administrator Schmit presented to the Committee a recommendation to fill the position of Engineering Technician. The Engineering Technician position is primarily responsible for all surveying activities and other essential duties as follows: provide elevation shots to check drainage patterns; locate property corners; prepare construction plans using survey data and AutoCAD; perform annual outfall inspections as required by the City's MS4 permit; provide construction inspection; assist citizens and/or contractors with questions regarding existing and planned utilities; update as-built plans, maps and other electronic files; Gopher One call locates; and collect survey information for in-house

designs such as the SDAH24/Bus71 intersection.

It was noted during the discussion that this position is funded through transfers to the General Fund from various improvement projects. The Committee was recommending the Council authorize the City Administrator to fill the position of Engineering Technician. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion which carried.

Item No. 2 City Administrator Schmit presented to the Committee a recommendation to fill a Patrol Officer position. It was explained to the Committee that it was Administration's intent to assign from within a Sergeant Supervisor of the Detective Division to fill the void left by the recent retirement of Officer Kappers. A subsequent Sergeant promotion would leave a vacancy at the Patrol level. This position is funded through General Fund expenditures.

The Committee was recommending the Council authorize the City Administrator to fill the position of Patrol Officer position. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 At 5:45 p.m. the Labor Relations Committee meeting was closed for the purpose of discussing 2010 contract negotiations. The meeting reopened at 6:20 p.m. This matter was for information only.

The Labor Relations Committee Report for July 15, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance Committee, July 27; Public Works/Safety, July 28; and Community Development, July 30, 2009.

Council Members DeBlieck, Anderson and Reese were excused from the August 3, 2009, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 9:15 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL